

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STAR INSURANCE COMPANY,
SAVERS PROPERTY & CASUALTY
INSURANCE COMPANY, AMERITRUST
INSURANCE CORPORATION and
WILLIAMSBURG NATIONAL INSURANCE
COMPANY,

Plaintiffs,

v

Case No. 2:13-cv-13807
Hon. Victoria A. Roberts

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA,

Defendant.

PRELIMINARY INJUNCTION

This matter came before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. It was fully briefed. In an opinion issued September 12, 2013 the Court found:

1. It is likely that Plaintiffs will prevail on a breach of contract claim that the Arbitration Panel may be constituted in violation of the Treaty Agreement between the parties;
2. Plaintiffs will suffer irreparable harm if the Arbitration Panel as currently constituted is allowed to continue making arbitration decisions until the allegation of *ex parte* communications between a Panel member and Counsel for National Union can be

explored; namely, injury to goodwill, reputation, business relations, and standing in the industry;

3. The public interest will be served while an investigation into this arbitration process is explored; and
4. The balance of harms warrants equitable intervention.

Accordingly, Plaintiffs' Motion for Preliminary Injunction is GRANTED:

1. The Arbitrators in the pending arbitration, Rex Schlaybaugh, Jonathon Rosen, and Thomas Greene, are enjoined from issuing any further orders, opinions or other decisions pending further Order of this Court;
2. The arbitrators are forbidden from engaging in *ex parte* communications with the parties and their agents.
3. This injunction binds
 - a. The parties;
 - b. The parties' officers, agents, servants, employees and attorneys; and
 - c. Other persons who are in active concert or participation with anyone described in 3a or b, above.
4. No bond is required under Fed. R. Civ. P. 65(c).

This Order was entered on this 12th day of September, 2013 at 4:56 pm.

SO ORDERED:

/s/ Victoria A. Roberts

Hon. Victoria A. Roberts

Dated: 9/12/13